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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/692,697      | 10/19/2000  | William John Delinsky | Peregrin-P1-00      | 8755             |

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| EXAMINER |
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HAMILTON, LALITA M

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| ART UNIT | PAPER NUMBER |
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3691

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08/04/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                       |  |  |
|------------------------------|---------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/692,697  | <b>Applicant(s)</b><br>DELINSKY ET AL. |  |
|                              | <b>Examiner</b><br>Lalita M. Hamilton | <b>Art Unit</b><br>3691                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 34-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 65 is/are allowed.
- 6) ☒ Claim(s) 1-26, 34-64 and 66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to the amendment filed on April 20, 2009.

#### ***Allowable Subject Matter***

Claim 65 is allowed.

#### ***Claim Rejections - 35 USC § 101***

The rejection has been withdrawn.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-26, 34-64, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eilbacher (6,724,887) in view of Marshall, as set forth in the previous Office Action.

#### ***Response to Arguments***

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Applicant's arguments filed April 20, 2009 have been fully considered but they are not persuasive. The Applicant argues that the applied art does not disclose the following:

As per claim 1

...automatically routing, with the automatic communication system, the communication to an outbound communication path regardless of whether the caller is identified, to one of a plurality of credit-counseling agencies, wherein the routing is responsive to the number and to whether the caller is identified, and to the creditor's referral criteria.

As per claim 2

...routing, automatically with the computer system, the communication to an outbound communication path to one of a plurality of credit-counseling agencies, regardless of whether the caller is identified, wherein the routing is responsive to the number and to whether a prior communication was received from the caller, and if the caller is identified, responsive to the creditor's referral criteria.

As per claim 3

...routing the communication to an outbound communication path to one of a plurality of credit-counseling agencies, regardless of whether the caller is successfully identified, and a prior communication to the system by the caller causes the computer program to follow a different program logic path in carrying out the routing, and wherein, if the caller is identified, said routing is responsive to a creditor's referral criteria.

As per claim 34

...connecting, automatically with the computer system, the inbound communication to an outbound communication path to the one of the plurality of the credit-counseling agencies in accordance with the creditor's referral criteria.

As per claim 36

...connecting, automatically under control of the computer, the debtor by telephone on an outbound communication path to the one of the stored telephone numbers corresponding to one of the credit-counseling agencies.

As per claim 62

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...a digital computer having a processor..., programmed to control the digital computer to receive the input signals and to process the input signals to produce the output signals in... selecting one of the credit-counseling agencies by accessing the creditor criteria, applying the creditor criteria, and accessing one of the stored telephone numbers to automatically connect the debtor to the one of the stored telephone numbers on an outbound communication path.

As per claim 64

...programming the processor to control the digital computer to receive the input signals and to process the input signals to produce the output signals in... selecting one of the credit-counseling agencies by accessing the creditor criteria, applying the creditor criteria, and accessing one of the stored telephone numbers so as to connect the debtor to the one of the stored telephone numbers on an outbound communication path.

In response, the Examiner finds the following to be disclosed by the applied art:

As per claim 1

...automatically routing, with the automatic communication system, the communication to an outbound communication path regardless of whether the caller is identified, to one of a plurality of credit-counseling agencies, wherein the routing is responsive to the number and to whether the caller is identified, and to the creditor's referral criteria. **(Eilbacher discloses routing calls within a call center and uses automatic number identification to obtain data on the calling party or called party for incoming and outgoing communications, and therefore which of several campaigns or clients served by the contact center, a customer dialed --col.8, line 65 to col.9, line 5. However, Eilbacher does not disclose referring a communication to a credit counseling agency, a debtor or a creditor. Marshall teaches call centers involving credit counselors and creditors whereby consumers are directed to credit counselors--p.3, 3rd para. to p.4, 1st para. Both references are analogous art. Therefore, the Examiner found it to have been obvious to one having ordinary skill in the art to incorporate Marshall within Eilbacher to provide an alternative use for a call center.)**

As per claim 2

...routing, automatically with the computer system, the communication to an outbound communication path to one of a plurality of credit-counseling agencies, regardless of whether the caller is identified, wherein the routing is responsive to the number and to whether a prior communication was received from the caller, and if the caller is identified, responsive to the creditor's referral criteria. **(Eilbacher discloses routing calls within a call center and uses automatic number identification to obtain data on the calling party or called party for incoming and**

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**outgoing communications, and therefore which of several campaigns or clients served by the contact center, a customer dialed --col.8, line 65 to col.9, line 5. However, Eilbacher does not disclose referring a communication to a credit counseling agency, a debtor or a creditor. Marshall teaches call centers involving credit counselors and creditors whereby consumers are directed to credit counselors--p.3, 3rd para. to p.4, 1st para. Both references are analogous art. Therefore, the Examiner found it to have been obvious to one having ordinary skill in the art to incorporate Marshall within Eilbacher to provide an alternative use for a call center.)**

As per claim 3

...routing the communication to an outbound communication path to one of a plurality of credit-counseling agencies, regardless of whether the caller is successfully identified, and a prior communication to the system by the caller causes the computer program to follow a different program logic path in carrying out the routing, and wherein, if the caller is identified, said routing is responsive to a creditor's referral criteria.

**(Eilbacher discloses routing calls within a call center and uses automatic number identification (ANI) to obtain data on the calling party or called party for incoming and outgoing communications, and therefore which of several campaigns or clients served by the contact center, a customer dialed --col.8, line 65 to col.9, line 5. However, Eilbacher does not disclose referring a communication to a credit counseling agency, a debtor or a creditor. Marshall teaches call centers involving credit counselors and creditors whereby consumers are directed to credit counselors--p.3, 3rd para. to p.4, 1st para. The ANI of Eilbacher may be used to identify the caller and route the caller based on referral criteria. Both references are analogous art. Therefore, the Examiner found it to have been obvious to one having ordinary skill in the art to incorporate Marshall within Eilbacher to provide an alternative use for a call center.)**

As per claim 34

...connecting, automatically with the computer system, the inbound communication to an outbound communication path to the one of the plurality of the credit-counseling agencies in accordance with the creditor's referral criteria.

**The ANI of Eilbacher may be used to identify the caller and route the caller based on referral criteria. Marshall teaches call centers involving credit counselors and creditors whereby consumers are directed to credit counselors--p.3, 3rd para. to p.4, 1st para. Therefore, the Examiner found it to have been obvious to one having ordinary skill in the art to incorporate Marshall within Eilbacher to provide an alternative use for a call center.**

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As per claim 36

...connecting, automatically under control of the computer, the debtor by telephone on an outbound communication path to the one of the stored telephone numbers corresponding to one of the credit-counseling agencies.

**The ANI of Eilbacher may be used to identify the caller and route the caller based on referral criteria. Further, all information, including numbers, is stored in the database col.8, line 65 to col.9, line 5. Marshall teaches call centers involving credit counselors and creditors whereby consumers are directed to credit counselors--p.3, 3rd para. to p.4, 1st para. Therefore, the Examiner found it to have been obvious to one having ordinary skill in the art to incorporate Marshall within Eilbacher to provide an alternative use for a call center.**

As per claim 62

...a digital computer having a processor..., programmed to control the digital computer to receive the input signals and to process the input signals to produce the output signals in... selecting one of the credit-counseling agencies by accessing the creditor criteria, applying the creditor criteria, and accessing one of the stored telephone numbers to automatically connect the debtor to the one of the stored telephone numbers on an outbound communication path.

**(Eilbacher discloses routing calls within a call center and uses automatic number identification (ANI) to obtain data on the calling party or called party for incoming and outgoing communications, and therefore which of several campaigns or clients served by the contact center, a customer dialed --col.8, line 65 to col.9, line 5. Further, all information, including numbers, is stored in the database. However, Eilbacher does not disclose referring a communication to a credit counseling agency, a debtor or a creditor. Marshall teaches call centers involving credit counselors and creditors whereby consumers are directed to credit counselors--p.3, 3rd para. to p.4, 1st para. The ANI of Eilbacher may be used to identify the caller and route the caller based on the stored number to the appropriate counselor. Both references are analogous art. Therefore, the Examiner found it to have been obvious to one having ordinary skill in the art to incorporate Marshall within Eilbacher to provide an alternative use for a call center.)**

As per claim 64

...programming the processor to control the digital computer to receive the input signals and to process the input signals to produce the output signals in... selecting one of the credit-counseling agencies by accessing the creditor criteria, applying the creditor

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criteria, and accessing one of the stored telephone numbers so as to connect the debtor to the one of the stored telephone numbers on an outbound communication path.

**(Eilbacher discloses routing calls within a call center and uses automatic number identification (ANI) to obtain data on the calling party or called party for incoming and outgoing communications, and therefore which of several campaigns or clients served by the contact center, a customer dialed --col.8, line 65 to col.9, line 5. Further, all information, including numbers, is stored in the database. However, Eilbacher does not disclose referring a communication to a credit counseling agency, a debtor or a creditor. Marshall teaches call centers involving credit counselors and creditors whereby consumers are directed to credit counselors--p.3, 3rd para. to p.4, 1st para. The ANI of Eilbacher may be used to identify the caller and route the caller based on the stored number to the appropriate counselor. Both references are analogous art. Therefore, the Examiner found it to have been obvious to one having ordinary skill in the art to incorporate Marshall within Eilbacher to provide an alternative use for a call center.)**

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lalita M Hamilton/  
Primary Examiner, Art Unit 3691